

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Luis Cordon Marín; Inmaculada Cordon Arenilla CIVIL NO.:

Plaintiffs

vs.

Hilda Chévere Colón; Seguros Triple-S; "John Doe"; "Richard Roe"; "A-B-C" Corporations; "X-Y-Z" Insurance Companies; as well as any other Joint Tortfeasors and their respective Insurance Companies

Defendants

Tort Claim For Damages;
Negligence Under
31 L.P.R.A. §5141

Plaintiffs Demand
Trial By Jury

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW PLAINTIFFS, through the subscribing attorneys, who very respectfully allege and pray:

STATEMENT OF THE CASE

This is an action for damages arising out of the negligent and tortuous acts and/or omissions committed by defendants and for such other relief as this Court may deem appropriate, including the payment of costs, interests and attorneys' fees.

I. THE PARTIES

1.1 Plaintiff, Luis Cordon Marín, is of legal age, widow and a citizen of Spain and resident of Lorenzo Leal #1, Cuarto C, 41010, Sevilla, Spain, who was visiting Puerto Rico when the accident object of this complaint occurred.

1.2 Plaintiff, Inmaculada Cordon Arenilla, is a daughter of Mr. Luis Cordon, and a citizen of Spain and resident of Lorenzo Leal #1, Cuarto C, 41010, Sevilla, Spain.

1.3 Defendant, Hilda Chévere Colón, is upon information and belief, of legal age, is a citizen of the United States of America and a resident of Toa Alta, Puerto Rico.

1.4 Defendant, Seguros Triple-S, is the insurance company that at the time of the accident object of this complaint had in place and in full effect the insurance policy number CM700-1014 that provides coverage for the damages herein claimed by plaintiffs.

1.5 Defendant, John Doe, is an individual known to exist and to have operated or contributed to the facts and events for which Defendants are liable under the various causes of action herein averted, but whose real name is yet unknown to Plaintiffs.

1.6 Defendant, Richard Roe, is an individual known to exist and to have operated or contributed to the facts and events for which Defendants are liable under the various causes of action herein averted, but whose real name is yet unknown to Plaintiffs.

1.7 Defendants, "A,B,C" Corporations, are business entities, presently unknown, who upon information and belief are liable and responsible for plaintiffs' damages.

1.8 Defendants, "X,Y,Z" Insurance Companies are insurance companies, presently unknown, who are believed to provide named and unnamed defendants with liability insurance during the applicable time period.

II. JURISDICTION AND VENUE

2.1 This Court has diversity jurisdiction pursuant to Title 28, United States Code Section 1332 (a) (1), inasmuch as this is a civil action where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs, and is between citizens of different states.

2.2 Venue is proper in the District of Puerto Rico pursuant Title 28, United States Code Section 1391 (a) since the events or omissions giving rise to the claim occurred in this district and the defendants are deemed to reside in this district by virtue of section 1391 (c).

III. GENERAL ALLEGATIONS

3.1 Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

3.2 On January 27, 2007 Plaintiff Luis Cordon Marin was visiting the island of Puerto Rico. While walking on the pedestrian crossing in the tourist zone of Old San Juan from the ports area in direction to the Sheraton Hotel he was struck by a vehicle after a first vehicle let him pass. The vehicle that

struck Plaintiff was a Dodge Durango 2005 model, license plate GDN-375 property of Defendant Hilda Chévere Colón.

3.3 As a direct result of this impact Plaintiff Luis Cordon Marin, suffered multiple traumas and contusions, a left hip dislocation with a chip fracture of the acetabulum. After receiving intense medical treatment at the Rio Piedras Medical Center, Plaintiff medical condition worsened requiring left hip surgery and, due to Plaintiff's anemic medical condition, he required blood transfusions and special medical care by Health South Inc.

3.4 The aforementioned injuries have limited Plaintiff's physical abilities, including walking and moving, which in turn has reduced his general physiological functions and consequentially have produced intense mental anguish.

3.5 As of today Plaintiff is under medical treatment by the ACAA.

IV. CAUSE OF ACTION AGAINST DEFENDANT, HILDA CHÉVERE COLÓN

4.1 Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

4.2 Defendant, Hilda Chévere Colón, through its acts or omissions while driving the Dodge Durango 2005 model, license plate GDN-375, caused damages to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. § 5141.

4.3 Defendant, Hilda Chévere Colón, as owner of the Dodge Durango 2005 model, license plate GDN-375, is also responsible for the damages caused by said vehicle.

4.4 As a direct result of the negligent acts or omissions of defendant, Hilda Chévere Colón, plaintiff, Luis Cordon Marín, was physically injured, and suffered physical, mental, emotional and economical damages.

V. CAUSE OF ACTION AGAINST DEFENDANT, SEGUROS TRIPLE-S

5.1. Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

5.2. Seguros Triple-S is directly liable for the fault or negligence of its assured, Hilda Chévere Colón, pursuant to 26 L.P.R.A. § 2001.

5.3. Pursuant to 26 L.P.R.A. § 2003, an action against an insurer may be brought separately or may be joined with an action against the insured.

5.4 Seguros Triple-S had in place and in full effect at the time of the afore mentioned accident the insurance policy number CMO 700-1014 that provides coverage for the damages herein claimed by Plaintiffs.

VI. CAUSE OF ACTION AGAINST DEFENDANTS, "A,B,C" CORPORATIONS

6.1 Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

6.2 Defendants, "A,B,C" Corporations through its acts or omissions caused damages to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. § 5141.

6.3 Defendants, "A,B,C" Corporations, are business entities, presently unknown, who upon information and belief are liable and responsible for plaintiffs' damages inasmuch they caused the accident object of this complaint.

6.4 As a direct result of the negligent acts or omissions of defendants, "A,B,C" Corporations, plaintiffs, were physically injured and physical, mental, emotional and economical damages were also suffered.

VII. CAUSE OF ACTION AGAINST DEFENDANTS, "X,Y,Z" INSURANCE COMPANIES

7.1. Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

7.2. The insurance companies of any named or unnamed defendants, the "X,Y,Z" Insurance Companies, are directly liable for the fault or negligence of the insured pursuant to 26 L.P.R.A. § 2001.

7.3. Pursuant to 26 L.P.R.A. § 2003, an action against an insurer may be brought separately or may be joined with an action against the insured.

VII. DAMAGES

8.1. Plaintiffs reaffirm and reproduce as if alleged herein each and every one of the preceding allegations.

8.2. As a direct result of the acts or omissions of defendants, Plaintiffs have suffered damages which include physical and mental injuries, mental and emotional anguish, ongoing pain and suffering, and economic losses.

8.3. As a direct result of defendants' negligent acts or omissions, Plaintiffs have, and will continue to, experience mental and emotional anguish, pain, and suffering.

8.4. Plaintiffs' past and future physical damages have a reasonable value of not less than eight hundred thousand dollars (\$800,000).

8.5. Plaintiffs' past and future mental and emotional damages have a reasonable value of not less than three hundred thousand dollars (\$300,000).

8.6. Plaintiffs' economic losses have a reasonable value of not less than ten thousand dollars (\$10,000).

IX. DEMAND FOR JURY TRIAL

9.1 Plaintiffs demand trial by jury of all causes of action.

PRAYER

WHEREFORE, Plaintiffs respectfully demand judgment against Defendants, jointly and severally, in the amount of no less than one million one hundred ten thousand dollars (\$1,110,000), as

well as costs incurred, reasonable attorneys' fees, interests and such other relief as this Honorable Court may deem just and proper under the circumstances.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 19th day of April, 2007.

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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS CORDON, LUIS		DEFENDANTS CHEVERE, HILDA	
(b) County of Residence of First Listed Plaintiff <u>N/A - Spain</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		County of Residence of First Listed Defendant <u>Toa Alta, PR</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>	
(c) Attorney's (Print Name, Address, and Telephone Number) Nolla, Palou & Casellas LLC, 268 Ave. Muñoz Rivera 20th Floor, Suite 2003, San Juan PR 00918; 787-625-6535		<small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</small> Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1	PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item II)</small>	Citizen of Another State <input type="checkbox"/> 2	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input checked="" type="checkbox"/> 3	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		TORTS <input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	
		FORFEITURE/PENALTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
		FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	
		PROPERTY RIGHTS <input type="checkbox"/> 612 Appeal 28 USC 158 <input type="checkbox"/> 623 Withdrawal 28 USC 137	
		LAW <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
		SOCIAL SECURITY <input type="checkbox"/> 861 H.O.A. (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSI/D Title XVI <input type="checkbox"/> 865 RS (405(g))	
		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fox Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
V. ORIGIN (Place an "X" in One Box Only)		<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) _____	
		<input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC Sec. 1332 (a)(1) Brief description of cause: Plaintiff was struck by the defendant as she was driving her car negligently			
VII. REQUESTED IN COMPLAINT:		DEMANDS UNDER F.R.C.P. 23	CHECK YES only if demanded in complaint JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY		(See instructions) JUDGE	DOCKET NUMBER
DATE	SIGNATURE OF ATTORNEY OF RECORD		
FOR OFFICE USE ONLY			
RECEIPT #	AMOUNT	APPLYING JPF	JUDGE
			MAG. JUDGE



United States District Court for the District of Puerto Rico

CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

Luis Cndom Marin v. Hilda Chevone Colon

2. Category in which case belongs: (See Local Rules)

ORDINARY CIVIL CASE

SOCIAL SECURITY

BANK CASE

INJUNCTION

3. Title and number, if any, of related cases (See Local Rules)

1/4

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

YES

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

YES

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

YES

NO

(Please Print)

USDC ATTORNEY'S ID NO.

219209

ATTORNEY'S NAME:

Jose Grinez Arrubia

MAILING ADDRESS:

P O Box 195287

San Juan PR

ZIP CODE 00918-5287

TELEPHONE NO.

(82) 625-6535



United States District Court for the District of Puerto Rico

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Primary Email: *juanc@nplawyers.com*

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United States District Court for the District of Puerto Rico

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